IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 16497 of 2004

Between:

M. Siva Reddy S/o Lakshmi Reddy
Dachur-I Village, Kaluvoya Mandal, Nellore District

..... PETITIONER

AND

1 The Joint Collector, Nellore
2 The Revenue Divisional Officer, Nellore
3 The Mandal Revenue Officer Kaluvoya Mandal, Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue an order, direction or Writ, more particularly one in the nature of Writ of Mandamus declaring the order of the Revenue Divisional Officer, Nellore, passed in Rc.C.2843/2004 dt.3-9-2004 where under he suspended the authorization of the petitioner further action of the joint Collector, Nellore in not passing any orders on the stay petition filed by the petitioner along with the appeal as illegal, arbitrary and violative of principles of natural justice and contrary to the provisions A.P. Public Distribution system control order, 2001 and set aside the same and consequently direct the respondents to continue the petitioner as F.P. Shop dealer of Dachur-I Village, Kaluvaya Mandal, Nellore District

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16497 OF 2004

ORDER:

The petitioner is the authorized dealer of the Fair Price Shop of Dachur-I village, Kaluvoya Mandal, Nellore District. His authorization has been suspended pending enquiry into the alleged irregularities in distribution of the essential commodities by an order dated 03-09-2004, which is under challenge in this writ petition.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

3. Against the impugned order of suspension, an alternative remedy is available under the statute by way of an appeal to the Joint Collector. Admittedly, the petitioner has already availed the said remedy and the appeal is pending before the first respondent.

4. In the circumstances, though the learned counsel for the petitioner raised various grounds contending that the allegations made against the petitioner are false and without any basis, I am not inclined to express any opinion. Instead I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application of stay in the appeal filed by the petitioner against the order of the Revenue Divisional Officer dated 03-09-2004, as expeditiously as possible preferably within a period of one week from the date of receipt of a copy of this order.

5. With the above observations, the Writ Petition is disposed of. No costs.

MS.G.ROHINI, J

15th September, 2004

SKM

Note:

Furnish C.C.

by tomorrow.

B/o.

skm

To

1 The Joint Collector, Nellore
2 The Revenue Divisional Officer, Nellore
3 The Mandal Revenue Officer Kaluvoya Mandal, Nellore District

4 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D.copies.